



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,755	11/02/2001	Kjell Nedregaard	54334-00003USPX	8129

23932 7590 03/15/2004

JENKENS & GILCHRIST, PC
1445 ROSS AVENUE
SUITE 3200
DALLAS, TX 75202

EXAMINER

KOVALICK, VINCENT E

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,755

Applicant(s)

NEDREGAARD, KJELL

Examiner

Vincent E Kovalick

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's Amendment dated December 23, 2003 in response to USPTO Office Action dated August 28, 2003 (Paper No. 6).

The Substitute Specification, the cancellation of claims 1-3 and the addition of new claims 4-7 have been noted and entered in the record.

Applicant's remarks have been carefully reviewed but are considered moot in that they are directed to claim 4. Claim 4 is a new submitted claim and was not part of the initial patent application, consequently claim 4 not being part of the initial patent application was not address in the Office Action of August 28, 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (USP 6,377,245).

Relative to claim 4, Park **teaches** an ultimate ergonomic mouse (col. 2, lines 24-55); Park further **teaches** a computer mouse with pencil grip, the computer mouse comprising: a mouse body; a pencil shaft (col. 3, lines 13-19 and Figs. 1 and 2); further still, Park **teaches**

Art Unit: 2673

control buttons operable as right and left mouse buttons; wherein the control buttons are placed on a lower part of the pencil shaft (col. 3, lines 31-38 and Fig 2, items 12 and 16); wherein the pencil shaft is placed on a posterior part of the mouse body; wherein the pencil shaft is slightly tilted backwards from the mouse body (Figs. 5 and 6, item 10), and wherein the pencil shaft remains in an operative position at all times (col. 3, lines 31-38 Figs 1 and 2 and col. 4, lines 36-44).

The difference between the teaching of Park and that of the instant invention is that Park does not specifically teach the weight of the computer mouse being balance so as to maintain an operative position when not in use.

Park **does not specifically** make reference to the weight of the pencil shaft being balanced and wherein the pencil shaft remains in a operative position at all times; said features would be a physical requirement of the mouse unit in order for the unit to remain stable in both the use and non-use state.

Because said requirement is well know and would be in common practice in the art, it would have been obvious to a person of ordinary skill in the art at the time of the invention that the pencil grip mouse structure as taught by Park would have a weight distribution that would facilitate a stable structure that would remain in an operative position both when in use and when not being used.

Regarding claim 5, Park **teaches** said computer mouse wherein a thickness of the mouse body in the posterior part is not thicker than a normal pencil grip around the pencil shaft (col. 3, lines 50-60 and Fig. 2)

Art Unit: 2673

As to claim 6, Park **teaches** said computer mouse wherein a height of the mouse body in the posterior part is not higher than a normal pencil height (Figs. 5 and 6).

Relative to claim 7, Park **teaches** said computer mouse wherein a diameter of the pencil shaft provides a stable grip when being used. (col. 3, lines 50-60; Fig. 2 and col. 4, lines 31-35).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No.	6,539,101	Black
U. S. Patent No.	6,377,244	Reid et al.
U. S. Patent No.	6,124,846	Goldstein et al.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2673


Responses

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E Kovalick whose telephone number is 703 306-3020. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703 305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306-0377.


Vincent E. Kovalick


BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600